

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

TEXAR FEDERAL CREDIT UNION

Plaintiff,

v.

WELLS FARGO BANK, N.A., ET AL.

Defendants.

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CIVIL ACTION NO. 5:23-CV-56-RWS-JBB

ORDER

Before the Court is Plaintiff Texar Federal Credit Union's Motion to Remand to State Court. Docket No. 6.¹ Plaintiff claims Defendants are liable for damages arising from the deposit of an allegedly altered and illegal cashier's check in the amount of \$59,450.00, which was withdrawn from the account of Plaintiff's customer. Docket No. 3. The case was referred to United States Magistrate Judge Boone Baxter in accordance with 28 U.S.C. § 636.

On November 8, 2023, the Magistrate Judge issued a report recommending Plaintiff's motion to remand be denied. Docket No. 9. Specifically, the Magistrate Judge found Defendant Wells Fargo Bank, N.A.² has met its burden by setting forth summary judgment-type evidence showing the facts in controversy support a finding of damages in excess of \$75,000, and Plaintiff has not shown it is legally certain its recovery will not exceed \$75,000. *Id.*

Because no objections have been received, Plaintiff is barred from *de novo* review by the

¹ This case was originally filed in the County Court at Law of Bowie County, Texas as Cause No. 23C0448-CCL. Docket No. 1.

² Defendant WellsFargo Capital Management LLC was dismissed from the state court lawsuit without prejudice on May 31, 2023. Docket No. 1-8.

District Judge of the Magistrate Judge's proposed findings, conclusions and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to factual findings and legal conclusions accepted and adopted by the District Court. *See Duarte v. City of Lewisville, Texas*, 858 F.3d 348, 352 (5th Cir. 2017); *Arriaga v. Laxminarayan*, Case No. 4:21-CV-00203-RAS, 2021 WL 3287683, at *1 (E.D. Tex. July 31, 2021).

The Court has reviewed the pleadings in this case and the report of the Magistrate Judge. Upon such review, the Court has determined the report of the Magistrate Judge is correct. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918 (1989) (where no objections to a Magistrate Judge's report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law."). Accordingly, it is

ORDERED that the report of the Magistrate Judge (Docket No. 9) is **ADOPTED** as the opinion of the District Court. It is further

ORDERED that Plaintiff's Motion to Remand (Docket No. 6) is **DENIED**.

SIGNED this 28th day of November, 2023.


ROBERT W. SCHROEDER III
UNITED STATES DISTRICT JUDGE